Docket No.: 1173-1050PUS1 (PATENT)

Examiner: S. B. Chen

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Brian R. MURPHY et al.

Application No.: 09/733,692 Confirmation No.: 3239

Filed: December 8, 2000 Art Unit: 1648

For: USE OF RECOMBINANT PARAINFLUENZA VIRUSES (PIVs) AS VECTORS TO PROTECT AGAINST INFECTION AND DISEASE CAUSED BY PIV AND OTHER HUMAN

PATHOGENS

INFORMATION DISCLOSURE STATEMENT (SUBMISSION AFTER FINAL REJECTION)

MS AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicants hereby submit an Information Disclosure Statement for consideration by the Examiner.

I. <u>LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION</u>

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-SB08(s), attached hereto.

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II. COP1ES

require a statement of relevancy.

Copies of cited U.S. patents and patent application publications are not included. Copies of foreign patent documents and non-patent literature are included.

III. CONCISE EXPLANATION OF THE RELEVANCE (Check at least one box)

- C. ENGLISH LANGUAGE SEARCH REPORT An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).
- d. OTHER The following additional information is provided for the Examiner's consideration. Applicant was unable to obtain copies of the references identified in the attached SB08 form as IU, IV, IW and IX. Reference IU is cited in the specification as filed on page 11, lines 24-25. Reference IV is cited in the specification as filed on page 7, lines 18-20, lines 22-24, and line 32 through to line 3 on page 8, and page 10, lines 11-14. Reference IW is cited on page 83 at lines 4-5. Reference IX is cited on page 9 at lines 7-10. References BE (WO 98/53078) and BH (WO 01/04320) were cited in the International Preliminary Examination Report in the corresponding PCT application

THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(d): After the mailing date of a Final Action under § 1.113. See the Statement Under 37 C.F.R. § 1.97(e).

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IV. STATEMENT UNDER 37 C.F.R. § 1.97(e)

(check only one box)

The undersigned hereby states that: Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than 30 days prior to the filing of this IDS; or b. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or П No item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS. đ. Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months

prior to the filing of this statement.

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V. PAYMENT OF FEES (check one box)

The required fee is listed on the attached Fee Transmittal.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: September 1, 2006 Respectfully submitted,

Mark J. Nuell

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Attachment(s):

PTO-SB08

Documents

Foreign Search Report - PCT/US98/10551;

Fee

Other: IPER – PCT/US98/10551; IPER-PCT/US00/33293

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Substitute	for form 1449A/E	3/PTO		Complete if Known		
				Application Number	09/733,692	
INFO	DRMATIC	ID NC	SCLOSURE	Filing Date	December 8, 2000	
STA	STATEMENT BY APPLICANT			First Named Inventor	Brian R. Murphy	
				Art Unit	1618	
	(Use as many sheets as necessary)			Examiner Name	Stacy Brown Chen	
Sheet	1	of	6	Attorney Docket Number	1173-1050PUS1	

	U.S. PATENT DOCUMENTS						
Examiner		Document Number	Publication Date	Name of Patentee or	Pages, Columns, Lines, Where		
Initials*	No.1	Number-Kind Code ² (if known)	MM-DD-YYYY	Applicant of Cited Document	Relevant Passages or Relevant Figures Appear		
	AA*	U.S. 6,264,957	07-24-2001	Collins et al.			
	AB	U.S. 5,993,824	11-30-1999	Murphy et al.			
	AC	U.S. 6,689,367	02-10-2004	Collins et al.			
	AD	U.S. 6,410,023	06-25-2002	Durbin et al.			
	AE	U.S. 6,699,476	03-21-2004	Collins et al.			

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Examiner	Cite	Foreign Patent Document	Publication	Name of Patentee or	Pages, Columns, Lines,			
Initials*	No.1	Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Date MM-DD-YYYY	Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	T⁰		
	BA	WO 98/02530	01-22-1998	Murphy et al.		T		
	BB	WO 97/06270	02-20-1997	Schweiz et al.		Г		
	BC	WO/00/061737	10-19-2000	Murphy et al.		Г		
	BD	WO 98/53078	01-26-1998	Murphy et al.				
	BE	WO 01/04320	01-18-2001	Schmidt et al.		Г		
	BF	EP 702 085	03-20-1996	Conzelmann		Г		

*EXAMINER, initial if reference considered, whether or not obtation is in conformance with MPEP 800. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant 'o CTE NO. Those application(s) which are marked with an single saterisk (') next to the Cile No are not supplied (under 37 CFR 1.98(x)Z)(w)) because that application was filed after June 30, 2003 or is available in the IPW. "Applicant's unique citation designation number (optional). "See Kinds Codes of USPTO Patent Documents at www.uspto.gov.or/ or No. 2003 or is available in the IPW. "Applicant's the document, by the two-deter code (WIPO Standard ST.3). "For Japanese patent documents, the indication of the year of the regin of the Emperor must precede the serial number of the patent document. With document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible." Applicant is to place a check mark here if English language Translation is attached.

	NON PATENT LITERATURE DOCUMENTS						
Examiner Initials	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.					
	CA	Anderson et al., J. Infect. Dis. 151:626-633, 1985					
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	CD	Baron et al., J. Virol. 71:1265-1271, 1997					
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Examiner	Date	
Signature		
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INF	ORMATIC	ON DIS	SCLOSURE	Filing Date	December 8, 2000	
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				Application Number	09/733,692
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s	STATEMENT	BY A	PPLICANT	First Named Inventor	Brian R. Murphy
				Art Unit	1618
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